

**REMARKS**

This Amendment addresses the issues raised by the Examiner in the Office Action mailed May 24, 2006. Initially, Applicants would like to thank the Examiner for the careful consideration given this case. In view of the above amendments and the following remarks, Applicants feel that all outstanding issues have been addressed and prompt allowance of all remaining claims is respectfully requested.

**Claim Rejections – 35 U.S.C. 102**

The Examiner has rejected Claims 1-20 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,794,172 to Matheson ("Matheson"). Specifically, the examiner stated that "Matheson discloses computer system and method for designing transit systems in figure 4." The Examiner then goes on to refer to portions of Matheson that he argues supports the claimed database engine, simulation engine and graphics engine. Importantly, the Examiner has not even begun to address any of the limitations of the dependent claims – instead producing only a single paragraph that purportedly addresses every limitation of 20 different claims. Such a sweeping, imprecise "rejection" is wholly improper.

In fact, the Examiner begins by the fundamentally incorrect premise that "Matheson discloses computer system and method for designing transit systems." OA at 2. In fact, as Matheson plainly states, this reference deals only with modeling and designing the "scheduling" for transit cars and related applications (loading/unloading) – it is not for the design of the transit system itself. See Matheson at Abstract.

This distinction is evident in the present claims which require:

a 3-dimensional graphics engine adapted to process said data related to said proposed transit system design into a visual rendering of said simulation in real-time with said simulation. . .

See Specification at Claim 1. It is this real world, 3-dimensional view of the entire transit system during simulation that allows the designer of the system (as opposed to the designer of just the scheduler) to view an actual 3-dimensional view of the entire environment of the transit system in use. Such a complete simulation aids in the planning and design of the system as a whole, in addition to helping with certain scheduling functions, some of which are touched upon in Matheson.

Specifically, instead of addressing this aspect of Claim 1 as written, the Examiner instead edits and parses selected aspects of the 3-dimensional graphics engine in an attempt to read this limitation on Matheson. Specifically, the Examiner points only to Matheson at col. 18, lines 27-30 and argues that the “three-dimensional display capability is disclosed in col. 11, lines 29-30 (the description of Figure 9). The first section is a simple line graph (string-line diagram) which is a two-dimensional representation of schedule timing – it has nothing to do with a three-dimensional representation of the simulated transit system in use. Moreover, Figure 9 and the accompany description clearly show that it is merely a two-dimensional (database) representation of track and signal features. In short, there is simply no three-dimensional representation of the transit vehicle, its track, its environment and related features in actual use corresponding to a simulation.


Although it is clear that the present claims distinguish over Matheson, independent Claims 1 and 18 have been amended in order to more particularly distinguish the present invention. Specifically, the output (“visual representation”) of the 3-dimensional engine has been amended to more particularly point out that the transit vehicle, the track, and related topographical features are all rendered in

true 3-dimensional display so that the user can actually see how the transit system will operate. This is very much different from and not possible with the scheduling system of Matheson.

The above claim amendments and accompanying remarks address each and every concern raised by the Examiner in the Office Action. Applicants believe that all remaining claims of the present invention are now in condition for final allowance. If the Examiner feels that any issues remain outstanding, the Examiner is encouraged to contact Applicants' attorney at the contact information below.

Respectfully submitted,

Dated: October 24, 2006

By   
Robert D. Kucler  
Reg. No. 45,908

REED SMITH LLP  
P.O. Box 488  
Pittsburgh, PA 15230-0488  
(412) 288-4598

Attorney for Applicants